



PATENT  
Customer No. 22,852  
Attorney Docket No. 4121.0076-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Alan L. GREENER et al.

Application No.: 08/846,996

Filed: May 1, 1997

For: HIGHLY TRANSFORMABLE  
BACTERIAL CELLS AND  
METHODS FOR PRODUCING  
THE SAME

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) Group Art Unit: 1636  
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) Examiner: Bronwen LOEB  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**DECLARATION REGARDING DEPOSIT OF BIOLOGICAL MATERIALS**

I do hereby declare and state that:

1. On information and belief, the strain of *Escherichia coli* XL10-GOLD was deposited on April 28, 1997 at the American Type Culture Collection (ATCC), Rockville, MD, USA, now located at Manassas, VA, USA. The accession number for that deposit is ATCC No. 55962. On information and belief, that deposit was made under the provisions of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure and Regulations.

2. Upon issuance of a patent from the above-identified patent application, or from continuation applications thereof, all restrictions on the availability to the public of the deposited material will be irrevocably removed.

3. The undersigned further declares that all statements made herein on her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this document or any patent issuing thereon.

Respectfully submitted,

Dated: 8/19/03

By: Ronni Sherman  
Ronni Sherman  
Executive Vice President and  
General Counsel